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22 DESIGNATED LOCAL COUNSEL FOR SERVICE OF  
23 PROCESS ON SINCLAIR BRAUN LLP PER L.R. IA 11-1(b)

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27 **UNITED STATES DISTRICT COURT**

28 **DISTRICT OF NEVADA**

HSBC BANK USA, N.A.,

Plaintiff,

vs.

FIDELITY NATIONAL TITLE GROUP,  
INC., ET AL.,

Defendants.

Case No.: 2:21-CV-00195-RFB-DJA

**STIPULATION TO STAY DISCOVERY**

Plaintiff HSBC Bank USA, N.A. ("HSBC") and Defendants Fidelity National Title Group, Inc., Chicago Title Insurance Company ("CTIC"), and Chicago Title of Nevada, Inc. ("Defendants," and with HSBC, the "Parties"), by and through their undersigned counsel, stipulate and agree as follows, subject to the approval of the Court:

1           1.       This is one of several a title insurance coverage disputes pending in this district  
 2 following an HOA foreclosure sale. CTIC removed this matter from Nevada state court. (ECF No.  
 3 1.) HSBC has moved to remand this case. (ECF No. 9.) The Motion for Remand is fully briefed and  
 4 awaiting adjudication.

5           2.       The majority of these cases concern the ALTA 1992 loan policy of title insurance  
 6 with form 1 coverage, along with the CLTA 100/ALTA 9 Endorsement and either the CLTA  
 7 115.1/ALTA 4 Endorsement or the CLTA 115.2/ALTA 5 Endorsement. One such matter is on  
 8 appeal in *Wells Fargo Bank, N.A. v. Fidelity National Title Ins. Co.*, Ninth Cir. Case No. 19-17332  
 9 (District Court Case No. 3:19-cv-00241-MMD-WGC) (the “*Wells Fargo II* Appeal”). The Ninth  
 10 Circuit has scheduled oral argument in that case for October 20, 2021;

11           3.       Defendants have moved to stay this case until the *Wells Fargo II* Appeal is decided.  
 12 (ECF No. 40.) HSBC only opposes Defendants’ Motion to Stay to the extent it believes the Court  
 13 should not stay resolution of whether removal was proper. Otherwise, HSBC is agreeable to a stay.

14           4.       Defendant’s Motion to Stay is fully briefed and awaiting adjudication. Because  
 15 Scheduling Order deadlines are continuing to run—including the imminent deadline to disclose  
 16 experts—the parties agree that discovery should be stayed until the Court has an opportunity to  
 17 substantively rule on the Motion for Stay and/or Motion for Remand.

18           **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby  
 19 stipulate and agree as follows:

- 20           1.       Discovery between the Parties in the instant action shall immediately be **STAYED** until  
 21           the Court adjudicates the Motion to Stay and/or Motion for Remand.
- 22           2.       Each of the Parties shall be excused from responding to any now-outstanding discovery  
 23           requests propounded by the other until after the stay is lifted.
- 24           3.       The scheduling order previously entered in this action shall be hereby **VACATED**. If  
 25           the Court denies the Motion to Stay, the parties will confer and submit a new scheduling  
 26           order within 30 days from the order denying the motion.

27       //

28       //

4. By entering into this stipulation, none of the Parties is waiving its right to subsequently move the Court for an order lifting the stay in this action.

Dated: September 2, 2021

WRIGHT, FINLAY & ZAK

By: /s/-Darren T. Brenner  
DARREN T. BRENNER  
Attorneys for Plaintiff  
HSBC BANK USA, N.A.

Dated: September 2, 2021

SINCLAIR BRAUN LLP

By: /s/-Kevin S. Sinclair  
KEVIN S. SINCLAIR  
Attorneys for Defendants  
FIDELITY NATIONAL TITLE GROUP,  
INC., CHICAGO TITLE INSURANCE  
COMPANY, and CHICAGO TITLE OF  
NEVADA, INC.

**IT IS SO ORDERED.**

DATED this 3rd day of September 2021.

  
\_\_\_\_\_  
Daniel J. Albregts  
United States Magistrate Judge